

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HAITIAN-AMERICANS UNITED, INC.,
et al.,

Plaintiffs,

v.

DONALD J. TRUMP, President of the United States in his Official Capacity, *et al.*,

Defendants.

Civil Action No. 1:20-cv-11421-DPW

DEFENDANTS' MOTION TO DISMISS

Defendants hereby move the Court, pursuant to the Court's Scheduling Order, Doc. 16, and Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss this action for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted.

For the reasons stated in Defendants' contemporaneously filed memorandum of law, Defendants respectfully request that the Court dismiss this action.

REQUEST FOR ORAL ARGUMENT

Given the nature of the issues presented, Defendants believe that oral argument may assist the Court in adjudicating their motion. Accordingly, Defendants request oral argument on this motion to dismiss.

LOCAL RULE 7.1(a)(2) CERTIFICATION

Undersigned counsel hereby certifies, in compliance with Local Rule 7.1(a)(2), that counsel for Defendants conferred with counsel for Plaintiffs in a good-faith attempt to resolve or narrow the issues presented by this motion.

DATED: October 7, 2020

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

JOHN V. COGHLAN
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

DIANE KELLEHER
BRAD P. ROSENBERG
Assistant Branch Directors

/s/ Elliott M. Davis
ELLIOTT M. DAVIS
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L St. NW
Washington, DC 20005
Phone: (202) 353-5639
Fax: (202) 616-8470
E-mail: elliott.m.davis@usdoj.gov

Counsel for Defendants